

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

YELLOW CORPORATION, *et al*¹.

Chapter 11
Case No. 23-11069 (CTG)
(Jointly Administered)

Debtors.

-----x

**JEFF MOORE, ELIZABETH BROOKE MOORE
and VIDAL TORRES on behalf of themselves and
all others similarly situated,**

**Adversary Proceeding No. 23-50457
(CTG)**

Plaintiffs,

v.

**YELLOW CORPORATION; USF REDDAWAY
INC.; 1105481 ONTARIO INC.; YELLOW
FREIGHT CORPORATION; EXPRESS LANE
SERVICE, INC.; YELLOW LOGISTICS, INC.;
NEW PENN MOTOR EXPRESS LLC; YRC
ASSOCIATION SOLUTIONS, INC.; ROADWAY
EXPRESS INTERNATIONAL, INC.; YRC
ENTERPRISE SERVICES, INC.; ROADWAY
LLC; YRC FREIGHT CANADA COMPANY;
ROADWAY NEXT DAY CORPORATION; YRC
INC.; USF BESTWAY INC.; YRC
INTERNATIONAL INVESTMENTS, INC.; USF
DUGAN INC.; YRC LOGISTICS INC.; USF
HOLLAND INTERNATIONAL SALES
CORPORATION; YRC LOGISTICS SERVICES,
INC.; USF HOLLAND LLC; YRC MORTGAGES,
LLC; USF REDSTAR LLC AND YRC
REGIONAL TRANSPORTATION, INC.**

Defendants.

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://dm.epiq11.com/YellowCorporation>. The location of Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is: 511500 Outlook Street, Suite 400, Overland Park, Kansas 66211.

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiffs (“*Plaintiffs*”) move this Honorable Court (“*Plaintiffs’ Motion*”) for an Order, granting leave to file the Second Amended Complaint². In support of this motion, Plaintiffs state the following:

1. No Scheduling Order has been entered and no discovery has been conducted in this matter or in *Rivera, et al. v. Yellow Corporation, et al. Adv. Pro. No. 23-50456 (CTG) (Del. Bankr. 2023)* (“*Rivera*”).
2. Plaintiffs seek to file the Second Amended Complaint to consolidate the plaintiffs, allegations, and counsel in this matter with those in *Rivera*. Further, Plaintiffs intend to amend the *Motion to Allow Class Certification of WARN Act Adversary Proceeding* (Doc. 13) (“*Motion for Class Certification*”) filed November 13, 2023, once the Second Amended Complaint is filed.
3. Federal Rule of Civil Procedure 15 provides that a party may amend its pleading by leave of court and the court should freely give leave when justice so requires. *See Fed. R. Civ. P. 15.*
4. While a Court may deny leave to amend the complaint for several reasons, including undue delay, bad faith, dilatory motive, undue prejudice to the opposing party, or because the amendment would be futile, none of the above concerns are present and the Court should grant the Plaintiffs’ Motion.
5. The proposed Second Amended Complaint would not be futile and, as noted, is made to combine the plaintiffs, allegations, and counsel here with *Rivera*.

² The proposed Second Amended Complaint is attached hereto as Exhibit A.

6. There has been no undue delay, bad faith, or dilatory motive on the part of Plaintiffs or the plaintiffs in *Rivera*. As evidenced by the dockets in this matter and *Rivera*, the WARN Act litigation is in its initial stages, and Defendants will not be prejudiced.

7. Plaintiffs' Motion is intended to promote efficiency and judicial economy. To that end, the parties entered into a stipulation governing briefing deadlines with respect to Plaintiffs' anticipated second amended complaint and amended motion for class certification.

WHEREFORE, for the reasons set forth herein, Plaintiffs request the Court to enter an Order (attached hereto as Exhibit B) granting Plaintiffs leave to file the Second Amended Complaint (attached hereto as Exhibit A).

By: /s/ James E. Huggett
MARGOLIS EDELSTEIN
James E. Huggett (#3956)
300 Delaware Avenue
Suite 800
Wilmington, DE 19801
Phone 302-888-1112
Fax 302-888-1119

LANKENAU & MILLER, LLP
Stuart J. Miller (SJM 4276)
Johnathan Miller
100 Church Street, 8th FL
New York, NY 10007
P: (212) 581-5005
F: (212) 581-2122

THE GARDNER FIRM, P.C.
Mary E. Olsen (OLSEM4818)
M. Vance McCrary (MCCRM4402)
182 St. Francis Street
Suite 103
Mobile, Alabama 36602
P: (251) 433-8100
F: (251) 433-8181

Attorneys for Plaintiffs and the Putative Class